

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 LENWORTH HASTINGS, ) 2:11-CV-00762-PMP-RJJ  
5 Plaintiff, )  
6 vs. ) **ORDER**  
7 )  
8 CAL WESTERN RECONVEYANCE )  
9 CORP., *et al.* )  
10 Defendants. )  
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11 Before the Court for consideration is Defendants' fully briefed Motion for  
12 Summary Judgment (Doc. #6) filed June 13, 2011. For the reasons set forth in Defendants'  
13 Motion (Doc. #6) and Reply (Doc. #38), the Court finds Defendants are entitled to the relief  
14 requested.

15 Specifically, the record does not support Plaintiff's argument that Defendants'  
16 efforts to foreclose on the subject property violates any automatic stay provisions of the  
17 bankruptcy code. Moreover, the record is unambiguous that Plaintiff is in default on his  
18 mortgage loan and has been since approximately August 2008. Nothing in Plaintiff's  
19 Complaint alleges that he will receive or is entitled to receive a loan modification and it is  
20 clear that Defendants have no obligation to modify Plaintiff's mortgage loan.

21 **IT IS THEREFORE ORDERED** that Defendants' Motion for Summary  
22 Judgment (Doc. #6) is **GRANTED** and that judgment shall forthwith be entered in favor of  
23 the Defendants and against Plaintiff.

24 **IT IS FURTHER ORDERED** that any recorded Lis Pendens is hereby  
25 rescinded.

26 DATED: September 6, 2011.

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PHILIP M. PRO  
United States District Judge